

among other factors, whether denial of a continuance would likely “result in a miscarriage of justice,” or “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” *Id.* § 3161(h)(7)(B)(i), (iv).

Counsel for the Defendant represents to the Court that he underwent surgery on October 18, 2023, after which he was hospitalized for six days. He further represents that during said hospitalization, another condition was discovered requiring additional surgery, which must occur in February. Counsel further represents that the parties have reached a plea agreement in principle but that the agreement has not yet been executed due in part to counsel’s circumstances. The United States does not oppose a continuance. After careful consideration, the Court finds that the ends of justice served by granting a continuance of this trial outweigh the best interest of the public and the Defendant in a speedy trial. Thus, for good cause, it is

ORDERED that the unopposed motion to continue (doc. 36) is GRANTED, and jury selection and trial are CONTINUED from February 5, 2024, to the criminal term of court set to commence on **April 22, 2024 at 10:00 a.m. in Montgomery**, Alabama. All deadlines tied to the trial date are adjusted accordingly.

The United States Magistrate Judge shall conduct a pretrial conference prior to the April trial term.

Done this 12th day of January, 2024.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE